

Message Text

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ORIGIN IO-13

INFO OCT-01 ISO-00 AF-08 L-03 OIC-02 DHA-02 SS-15 SP-02

H-02 NSC-05 CIAE-00 DODE-00 INR-07 NSAE-00 PA-01

USIA-06 PRS-01 ARA-06 EA-07 EUR-12 NEA-10 SSO-00

INRE-00 /103 R

DRAFTED BY IO/HR:WEHEWITT:BKM

APPROVED BY IO:JABAKER

AF:DBOLEN

L/UNA:RSTOWE

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FM SECSTATE WASHDC

TO USMISSION USUN NEW YORK IMMEDIATE

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E.O. 11652:N/A

TAGS: UNGA, SHUM

SUBJECT: THIRD COMMITTEE: STATUS OF THE INTERNATIONAL
CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME
OF APARTHEID (ITEM 69D)

1. BECAUSE OF OBJECTIONABLE SUBSTANTIVE PROVISIONS IN
DRAFT RES. A/C.3/31/L.4, SPECIFICALLY PREAMBULAR PARA 4 AND
OPERATIVE PARA 5, DEPT WOULD PREFER THAT USDEL VOTE
AGAINST DRAFT RES. USDEL SHOULD CONSULT WITH OTHER WEO
DELS AND ENCOURAGE NEGATIVE VOTES.

2. IF ONE OR MORE OTHER DELEGATIONS WILL JOIN IN
VOTING AGAINST DRAFT RESOLUTION USDEL SHOULD VOTE AGAINST.
OTHERWISE, USDEL SHOULD ABSTAIN.

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3. IN EITHER CASE USDEL SHOULD EXPLAIN THAT WHILE WE

FULLY SHARE THE SENTIMENTS CONDEMNING THE PRACTICE OF APARTHEID WHICH UNDERLIE THE CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID WE WERE NOT ABLE TO SUPPORT THE ADOPTION OF THE CONVENTION WHEN IT WAS APPROVED BY THE GA AT THE 28TH SESSION. WE HAVE HAD SERIOUS DIFFICULTIES WITH THE CONVENTION FROM A LEGAL POINT OF VIEW. THESE DIFFICULTIES WERE FULLY EXPLAINED BY THE USREP AT THE 28TH GA. USDEL SHOULD SPECIFY THAT WE

DO NOT ACCEPT THE CHARACTERIZATION OF APARTHEID AS A CRIME AGAINST HUMANITY STATED IN PREAMBULAR PARA. 4. AMONG OUR OBJECTIONS TO THE CONVENTION, WHICH WERE STATED WHEN IT WAS APPROVED BY THE UNGA AT THE 28TH SESSION, HAVE BEEN THE PROVISIONS OF ARTICLE X REFERRED TO IN OPERATIVE PARA 5 OF THE DRAFT RESOLUTION.

4. IN CASE OF ABSTENTION, USDEL SHOULD MAKE FULLER EXPLANATION OF VOTE WHICH WOULD SUMMARIZE PRINCIPAL LEGAL OBJECTIONS EXPLAINED IN STATEMENT BY AMB. FERGUSON IN EXPLANATION OF VOTE ON APARTHEID CONVENTION GIVEN NOVEMBER 30, 1973. ROBINSON

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: APARTHEID, MEETING DELEGATIONS, RESOLUTIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 07 OCT 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: coburnhl
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE249594
Document Source: CORE
Document Unique ID: 00
Drafter: WEHEWITT:BKM
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760378-1103
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19761071/aaaacjrv.tel
Line Count: 82
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN IO
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: coburnhl
Review Comment: n/a
Review Content Flags:
Review Date: 19 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <19 MAY 2004 by ElyME>; APPROVED <14 SEP 2004 by coburnhl>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: THIRD COMMITTEE: STATUS OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID (ITEM 69D)
TAGS: SHUM, UNGA
To: USUN NEW YORK
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006